

Remarks/Arguments:

This Response is being submitted in response to the Office Action dated February 24, 2003. Claims 17-24, 41-48, 65-72 and 81-87 are presented for examination. Applicants respectfully request reconsideration and allowance of claims 17-24, 41-48, 65-72 and 81-87 in light of the remarks made herein.

Applicants' representative hereby authorizes the use of Deposit Account 03-0172 for a three-month extension of time fee of \$930.00 under 37 C.F.R. §1.17(a)(3), and for any other payment necessary to maintain the application in good standing.

Rejection Under 35 U.S.C. § 103(a) Inappropriate

Claims 17-24, 41-48, 65-72 and 81-87 stand rejected under 35 U.S.C. §103, as being unpatentable over Grau et al. (U.S. Patent 5,910,803) in view of Bernhardt et al. (U.S. Patent 6,496,208 B1).

Although 35 U.S.C. § 103 does not expressly define what sources must be looked at as "prior art" to determine obviousness, the opening phrase clearly implies that the provisions of 35 U.S.C. § 102 are to be the guide. See Chisum on Patents, 5.03[3]. Under 35 U.S.C. § 102, an applicant may eliminate a United States patent as prior art by showing a date of invention prior to the filing date of that patent. See Kristar Enterprises, Inc. v. Revel Environmental Marketing, Inc., 1998 (N.D. Calif. 1998).

Applicants contend that Bernhardt et al. has been inappropriately identified as prior art to the present application. The effective filing date of the present application is July 14, 1998, the filing date of the original application upon which the present continuation application is based.

In contrast, the filing date of Bernhardt et al. is April 28, 1999. Bernhardt et al. cross-references a related provisional application having a filing date of September 10, 1998. The earliest of these two filing dates, September 10, 1998, fails to pre-date the effective filing date of the present application, July 14, 1998.

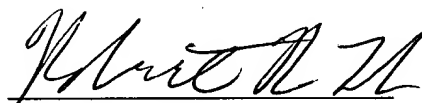
Accordingly, Applicants contend that claims 17-24, 41-48, 65-72 and 81-87 are patentable and in condition for allowance. Consequently, Applicants respectfully request the Examiner allow claims 17-24, 41-48, 65-72 and 81-87.

Conclusion

Entry of this amendment and allowance of claims 17-24, 41-48, 65-72 and 81-87 are respectfully requested. Applicants respectfully invite the Examiner to contact Applicants' representative at the telephone number listed below to discuss the present application.

Respectfully submitted,

August 25, 2003
Date


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